

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

6500 CHERRYWOOD LANE
GREENBELT, MARYLAND 20770
301-344-0632

MEMORANDUM

TO: Counsel of Record

FROM: Judge Peter J. Messitte

RE: Pollard v. CHS TX, Inc., et al.,
No. 23-cv-1481

DATE: December ¹⁸ , 2023

* * *

On October 17, 2023, Charles L. Pollard filed a Motion for Entry of Judgment and For Default Judgment (ECF No. 15). Defendants Vivien Dorsey, M.D., and CHS TX, Inc. (d/b/a YesCare) filed their Answer (ECF No. 24) to Pollard's Complaint on November 17, 2023. That same day, Defendants filed their own Motion to Strike (ECF No. 25) Pollard's Motion for Entry of Judgment and For Default Judgment.

The Clerk of Court has not yet entered default against Defendants. Even if default were entered under Federal Rule of Civil Procedure 55(a), the Court would find good cause to set aside that default. *See* Fed. R. Civ. P. 55(c). The Fourth Circuit, and this Court, have a strong preference for litigating claims and defenses on their merits, *see, e.g., Colleton Preparatory Acad., Inc. v. Hoover Universal*, 616 F.3d 413, 417 (4th Cir. 2010), and it appears that all remaining parties are prepared to proceed in this case.

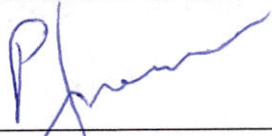
Accordingly, the Court **DENIES** Pollard's Motion for Entry of Judgment and For Default Judgment (ECF No. 15) and **DENIES AS MOOT** Defendants' Motion to Strike (ECF No. 25).

Pollard has additionally filed a Motion to Consolidate the above-captioned case (ECF Nos. 29, 30) with a related case before the Court against Dr. Dorsey, captioned *Pollard v. Grace Med. Ctr., et al.*, No. 21-cv-636-PJM. Pollard's Motion does not indicate whether Defendants consent to consolidation, and Defendants (in either case) have not yet filed an opposition to Pollard's Motion.

Given this, and the fact that Pollard's Motion for a Preliminary Injunction in the above-captioned case (ECF No. 14) still requires resolution, the Court **WILL SCHEDULE** a telephone conference with counsel for the parties to ascertain the current status of both cases. Chambers will contact counsel for the parties to set a date and time for the telephone conference.

Should Defendants choose to oppose Pollard's Motions to Consolidate in both the above-captioned case and Case No. 21-cv-636, they may do so.

Despite the informal nature of this ruling, it shall constitute an Order of the Court and the Clerk is directed to docket it in both Case No. 23-cv-1481 and Case No. 21-cv-636.



Peter J. Messitte
United States District Judge

CC: Court file